

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**JAY H. MORSE,**

**Plaintiff,**

**v.**

**7:12-CV-1819  
(FJS/ATB)**

**COMMISSIONER OF SOCIAL SECURITY,**

**Defendant.**

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**APPEARANCES**

**JAY H. MORSE  
12-B-1199**  
Riverview Correctional Facility  
P.O. Box 247  
Ogdensburg, New York 13669  
Plaintiff *pro se*

**OF COUNSEL**

**SOCIAL SECURITY ADMINISTRATION  
OFFICE OF REGIONAL GENERAL  
COUNSEL, REGION II**  
26 Federal Plaza - Room 3904  
New York, New York 10278  
Attorneys for Defendant

**SANDRA M. GROSSFELD, ESQ.**

**SCULLIN, Senior Judge**

**ORDER**

On January 13, 2009, Plaintiff "protectively filed" an application for Supplemental Security Income ("SSI") benefits; and, on March 6, 2009, he filed an application for Social Security disability insurance benefits. After a hearing before an administrative law judge ("ALJ"), the ALJ issued a decision denying benefits. The ALJ's decision became Defendant's final decision when the Appeals Council denied Plaintiff's request for review on September 15,

2012. On December 12, 2012, Plaintiff commenced this action *pro se*, seeking judicial review of Defendant's final decision. *See* Dkt. No. 1.

On March 28, 2014, Magistrate Judge Baxter issued a Report-Recommendation, in which he recommended that this Court reverse Defendant's decision and remand this case pursuant to sentence four of 42 U.S.C. § 405(g) for further evaluation consistent with his report. *See* Dkt. No. 26 at 20-21. Neither party filed an objections to Magistrate Judge Baxter's recommendations.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, \*10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, "the Court may 'accept, reject, or modify, in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Baxter's March 28, 2014 Report-Recommendation for clear error and manifest injustice; and, finding none, the Court hereby

**ORDERS** that Magistrate Judge Baxter's March 28, 2014 Report-Recommendation is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

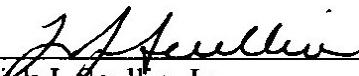
**ORDERS** that Defendant's decision is **REVERSED**; and the Court further

**ORDERS** that this matter is **REMANDED** for further proceedings in accordance with Magistrate Judge Baxter's Report-Recommendation pursuant to sentence four of 42 U.S.C. § 405(g); and the Court further

**ORDERS** that the Clerk of the Court shall enter judgment in favor of Plaintiff and close this case.

**IT IS SO ORDERED.**

Dated: August 29, 2014  
Syracuse, New York

  
Frederick J. Scullin, Jr.  
Senior United States District Court Judge